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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,089	02/25/2004	Laurent Huet	713-1044	8536

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/785,089

Applicant(s)

HUET ET AL.

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,657,291 to Kurosaki.

Kurosaki discloses a locking device having a case (1) open at one of its ends (6), a sliding member (2) engaged in the case (1) and moveable with respect to it in a sliding direction, comprising a body (5 and figure 11) and two opposed elastic claws (3) which, when not urged, are maintained apart from each other, with, in a locked position, the sliding member inside in the case, two opposed faces of the latter holding the two claws brought towards each other, and in a release position, the body of the sliding member being substantially flush with the opening of the case, freeing the claws (figures 15-17), a spring (4) arranged between the body of the sliding member and the case, urging the sliding member towards the release position, wherein the case comprises a work face (figure 1) provided with an elastic leg (10) moveable in the plane of the face, the elastic leg being provided with a follower (11) projecting towards the inside of the case, and the sliding member comprises, a planar cam surface (22, figure 12) from which projects, towards the work face, a central island (23) about which is formed a cam track (figures 12 and 13) for the follower, the follower, with respect to the island, being in a captive position when the

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device is in its locked position while in a free position when the device is in the release position, as in claim 1.

Kurosaki also discloses the elastic leg has, on the face on the opposite side from the follower, a planar contact surface (figures 1-5) adapted to cooperate with a wall (24) provided for being held against the work face, as in claim 2, as well as the case having, on each of its lateral faces adjacent to the work face, fixing lugs (12) opposite a stop surface (7) transverse to the direction of sliding, and in that the contact surface extends beyond the ends of the fixing lugs towards the opening (figures 15-19), as in claim 3, and the elastic leg has two branches (figure 1) each attached to a corner of the work face, the two branches joining together at the follower, as in claim 4, wherein the follower (figure 10) comprises a lateral flat, as in claim 5, as well as the central island comprises a first edge, parallel to the direction of sliding, a second edge starting from one end of the first edge (figure 12) and oriented obliquely, these two edges furthermore being connected by a curved edge (figure 12) bowed towards the inside of the central island, as in claim 7.

Kurosaki further discloses the cam track is defined by two lateral walls (figure 9) substantially parallel to the direction of sliding, as well as by a peninsula (22h) facing the central island, situated at the connection of the elastic claws to the sliding member (figure 17), the lateral walls and the peninsula projecting from the cam surface towards the work face (figures 7-8, and 10), as in claim 6, wherein the peninsula has two edges (figure 12) forming a point directed towards the central island, one of those edges (figure 13), situated on the same side as the second edge of the central island, being parallel to the direction of sliding and the other edge (figure 13), situated on the same side as the first edge of the central island, being oblique (figure 13), as in

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claim 8, and the cam track comprises a portion of width just sufficient for the passage of the follower (figure 13), as in claim 9, and the peninsula comprises at least one stop edge (figures 7-8) arranged transversely to the direction of sliding and adapted to form an abutment for the follower, as in claim 10, additionally the cam surface further comprises a non-return rib (22g) projecting from the surface (figure 12) towards the work face and arranged parallel to the direction of sliding, the non-return rib extending between the central island and the peninsula (figure 12), as in claim 11, and the lateral walls comprise a portion (figure 11) projecting beyond the opposite end of the sliding member from the claws and adapted to be inserted in an aperture (figure 4) formed in the opposite face of the case from the opening, as in claim 15.

Kurosaki additionally discloses the case has a guide aperture (8) on one of its sides perpendicular to the opening and in that the sliding member having a tooth (18) engaged in the guide aperture, as in claim 12, where the case comprises an engagement groove (figure 1) situated on the inner face of the side on which the guide aperture is formed, the engagement groove continuing on from the guide aperture to one end of the case, with less depth (figures 7-8), as in claim 13, where the tooth has a bevel (figures 7-8), as in claim 14, as well as the casing has a guide (13) for the spring, projecting from the opposite face (figure 10) of the case from the opening, as in claim 16, where the sliding member has a hole (16) for receiving the spring (42).

Kurosaki also discloses a locking assembly operable by first and second pushes, with a case (1) open at one end (6) and having an elastic leg (10) moveable in a work face of the case, the elastic leg having a follower (11) projecting toward the interior of the case, and a sliding member (2) operatively positioned and moveable in a sliding direction in the case, the sliding member operatively urged away from the case, the sliding member having a body (5, figure 11)

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having a planar cam surface (22, figure 12) facing the work face of the case, the planar cam surface having a central island (23) projecting toward the work face and a cam track (figure 12 and 13) formed thereabout for the follower, the follower being in a captive position when the assembly is in a locked position and in a free position when the assembly is in a released position, and two opposed elastic claws (3) which when not urged are maintained apart from each other, wherein the two claws are brought toward each other when the assembly is in the locked position and the sliding member is inserted in the case and wherein the two claws are released when the assembly is in the released position (figures 15-17), as in claim 18.

Kurosaki further discloses the elastic leg having two branches (figure 1) each attached to a corner of the work face, the two branches joining together at the follower, as in claim 19, and the sliding member further having two lateral walls (figure 9) substantially parallel to the sliding direction and defining a portion of the cam track and a peninsula (22h) facing the central island and positioned at the end of the sliding member proximate the elastic claws (figure 17), the lateral walls and the peninsula projecting from the cam surface toward the work face (figures 7-8, and 10), as in claim 20.

Response to Arguments

Applicant's arguments filed October 24, 2004 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB *CB*
January 12, 2005

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
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